

ARTICLE 145
PAID FIREMEN'S PENSION FUND

145.01	Association Established
145.02	Association Membership; Appointment and Term
145.03	Association Officers
145.04	Fund Corpus Turn Over to Corporate Trustee
145.05	Expenses
145.06	No Compensation
145.07	Fund Established
145.08	Sources of Income
145.09	Annual Actuarial Study
145.10	Association Powers and Meeting
145.11	Annual Financial Statement
145.12	Resolution and Orders by Vote
145.13	Payment Certificates
145.14	Ineligibility for Nonpayment
145.15	Eligible Age; Dependents
145.16	Determination of Amount of Pension
145.17	Survivor's Pension Benefits
145.18	Service Increment Computation
145.18.3	Cost of Living Adjustment (14299 §1 7/21/05)
145.18.6	Credit for CETA Service
145.18.7	Early Retirement (14299 §1 7/21/05)
145.18.9	Early Retirement Window (14299 §1 7/21/05)
145.19	Credit for Military Service
145.20	Retirement for Disability
145.21	Reinstatement After Disability
145.22	Benefits for Disability
145.23	Minimum Pension; Increase
145.24	Acceptance of Provisions of Article
145.25	Signatures Required
145.26	Notice of Enactment; Acceptance Period
145.27	Transfer of Funds
145.28	Responsibility; Liability
145.29	All Charges Borne by the Fund
145.30	Benefits Exempt from Garnishment; Nontransferable
145.31	Repealer
145.32	Service Increment Effective Date
145.33	Termination of Employment; Reinstatement
145.34	Payment of Contribution of Deceased Member
145.35	Investment Account; Deposit with Corporate Trustee
145.36	Authority to Invest
145.37	Interest; Sale of Securities
145.38	Control Limits of Corporate Trustee
145.39	Method of Payment

145.01 ASSOCIATION ESTABLISHED

There is hereby created the Allentown Paid Firemen's Pension Fund Association, which shall have in charge the distribution of pensions and service increments of the Paid Firemen's Pension Fund for the members of the Bureau of Fire and shall designate the beneficiaries thereof as herein directed. (11576 §1 2/25/69)

145.02 ASSOCIATION MEMBERSHIP; APPOINTMENT AND TERM

All pension funds established under the provisions of this Article shall be under the direction and control of a Board of Managers, consisting of the Mayor, Director of Administration and Finance, City Controller, Chief of the Bureau of Fire, whose memberships shall be concurrent with their tenure of office, and two (2) members of the Bureau of Fire to be chosen by the members of the Bureau. Of the first managers so chosen by the members of the Bureau, one (1) shall be chosen for a term of two (2) years and one (1) manager shall be chosen for a term of four (4) years to take the place of the one whose term expires. In case of a vacancy among the managers chosen by the Bureau, a successor shall forthwith be chosen by them for the unexpired term. (12836 §1 3/16/88)

145.03 ASSOCIATION OFFICERS

The Mayor shall be the President, the City Controller the Secretary, and the Manager of Treasury and Accounting the Treasurer of the Paid Firemen's Pension Fund Association.

145.04 FUND CORPUS TURN OVER TO CORPORATE TRUSTEE

When a corporate trustee shall be appointed as hereinafter provided in Section 145.32, the Treasurer is authorized to turn over all cash and investments making up the corpus of the pension fund to the corporate trustee. (11933 §1 4/26/72)

145.05 EXPENSES

All incidental expenditures (stationery, postage, miscellaneous supplies, etc.) necessary to the transaction of the business of the Association shall be provided for from the Pension Fund. (11576 §1.04 2/25/69)

145.06 NO COMPENSATION

The members of the Association shall receive no compensation for the services thus performed. (11576 §1.05 2/25/69)

145.07 FUND ESTABLISHED

There shall be created by the Paid Firemen's Pension Fund Association a fund, to be known as the Paid Firemen's Pension Fund. (11576 §2 2/25/69)

145.08 SOURCES OF INCOME

A. Bequests, Gifts, or Donation

There shall be paid into the Pension Fund all bequests, legacies, gifts or donations made thereto, and all sums subscribed by the public, as well as all net incomes resulting from all games, sports, entertainments, or any and all other sources of income conducted by or under the supervision of the Bureau of Fire.

The Association may take and receive gifts, grants, devises or bequests of any monies, real estate, personal property or other valuable things from whatever source, for the purposes of the Fund.

B. Rewards

There shall also be turned over and paid into the Fund, one-half (1/2) of all rewards that may be paid or given for or on account of extraordinary service by the Bureau of Fire or by any fireman, who has accepted the provisions of this Article.

C. Contributions by Employees

1. There shall also be paid into the Fund monthly by payroll deduction an amount equal to four (4%) percent, of the salary of each fireman or employee of the Bureau of Fire who accepts the provisions of this Article, until such time that such fireman or employee shall be retired under the provisions of this Article, and in addition, in order to provide sufficient funds for payments to widows of members retired on pension or killed or who die in service, an additional amount equal to one (1%) percent of the salary of each fireman or employee of the Bureau of Fire.

There shall also be paid into the Fund monthly by payroll deduction an amount equal to seven (7%) percent, of the salary of each fireman or employee hired on or after the day the Pennsylvania Municipal Retirement Board approves the City of Allentown's application for withdrawal of membership in the Pennsylvania Municipal Retirement System and who accepts the provisions of this Article, until such time that such fireman or employee shall be retired under the provisions of this Article, and in addition, in order to provide sufficient funds for payments to widows of members retired on pension or killed or who die in service, an additional amount equal to one (1%) percent of the salary of each fireman or employee of the Bureau of Fire. (12841 §1 4/20/88)

2. Effective January 1, 1990, every covered employee hired before May 14, 1988, shall pay into the Firemen's Pension Fund the amount of six percent (6%) of base pay, longevity, holiday pay, and shift differential. One percent (1%) of the six percent (6%) shall be applied to widows' payments. Every covered employee hired after May 13, 1988, shall continue to pay into the Firemen's Pension Fund the amount of eight percent (8%) of base pay, longevity, holiday pay, and shift differential. One percent (1%) of the eight percent (8%) shall be applied to widows' payments. (12962 §1 5/21/90)

3. Effective January 1, 1995, every covered employee regardless of date of hire, shall pay into the Fire Pension Fund the amount of eight (8%) percent of base pay, longevity, holiday pay and shift differential. One (1%) percent of the eight (8%) percent shall be applied to widow's payments. (13311 §1 12/22/94)

4. Effective January 1, 2005, every covered employee regardless of date of hire, shall pay into the Fire Pension Fund the amount of five (5%) percent of base pay, overtime, longevity, holiday pay, festive pay and shift differential. (14299 §1 7/21/05)

D. Contributions by City

There shall be paid to the Firemen's Pension Fund by the City annually, a sum of money not less than one-half of one (1/2%) percent nor more than three (3%) percent of all City taxes levied by the City, other than taxes levied to pay interest on or extinguish the debt of the City or any part thereof. This limitation may be exceeded if an additional amount is deemed necessary to provide sufficient funds for payments to widows of members retired on pension or killed or who die in service; provided, however, that the City shall annually pay into the Fund not less than one-half of one (1/2%) percent of all City taxes levied by the City, other than taxes levied to pay interest on or extinguish the debt of the City or any part thereof. (11576 §2.01 2/25/69)

E. No Benefit Increases

Notwithstanding any other provisions of this Article there shall be no future increases in any benefits of any officers or employees in such Pension Fund, except as already provided, until an actuarial study is made to determine the increased burden of such increased benefits on the Pension Fund and Council shall be obligated to provide for such funds as are necessary to equal such increased burden on the Pension Fund. (12249 §1 4/20/77)

145.09 ANNUAL ACTUARIAL STUDY

Commencing in 2009, an actuarial study shall be done every year and made public no later than ninety (90) days prior to the ensuing fiscal year. The cost of the annual actuarial study shall be paid by the Paid Firemen's Pension Fund Association. (12749 §1 12/17/86; 14571 §3 3/6/08)

145.10 ASSOCIATION POWERS AND MEETINGS

The Paid Firemen's Pension Fund Association shall keep full and accurate accounts of all transactions, shall have full power to make rules for the transaction of its business, the application and investment of its Fund by the corporate trustee, and its time and place of meeting. It shall meet at least four (4) times in each year (special meeting upon the call of the President or upon written request of two (2) members of the Association.) (11933 §2 4/26/72)

145.11 ANNUAL FINANCIAL STATEMENT

It shall be the duty of the Association, each year at the time of making up the general appropriation ordinance, with the assistance of the corporate trustee, to prepare a full and detailed statement of the assets of the Fund and the amount which it is required to pay and to present the same to Council together with a statement of the amount of money required to enable the Association to pay the pensions and service increments in full, together with refunds. (11933 §3 4/26/72)

145.12 RESOLUTION AND ORDERS BY VOTE

No resolution shall be passed or order made for payment of money unless by affirmative vote of a majority of the members of the Association. Upon all questions of fact relating to the administration of the Fund, such resolution or order shall be conclusive. (11576 §3.02 2/25/69)

145.13 PAYMENT CERTIFICATES

The Association shall issue certificates signed by its President and Secretary to the fireman or employee entitled to retirement and pension and also service increment under this Article, for the amount of money ordered paid to such fireman or employee out of the Paid Firemen's Pension Fund, which certificates shall state for what purpose the payment is made. (11576 §3.03 2/25/69)

145.14 INELIGIBILITY FOR NONPAYMENT

No fireman or employee shall be entitled to a pension and/or a service increment and/or a refund who does not make the payments herein required. (11576 §3.04 2/25/69)

145.15 ELIGIBLE AGE; DEPENDENTS

A. Every covered employee who has served for a continuous period of twenty (20) years and who has reached the age of fifty (50) years shall be entitled to be retired and shall be eligible for pension at the rate of one-half (1/2) of his/her salary on the date of retirement. For covered employees retiring on or after January 1, 1995, the pension shall be at the rate of fifty and one-half (50-1/2%) percent of salary. (13311 §1 12/22/94)

B. Every covered employee who has served for a continuous period of twenty (20) years and who has not reached the age of fifty (50) and who: (1) has contributed for twenty-two and one-half (22-1/2) continuous years regardless of age; or (2) be entitled to be retired and shall be eligible for pension at the rate of one-half (1/2) of the annual salary he/she would have received

if he/she had continued in active City service at the same rank which he/she held at the time he/she left City employment. Such pension contributions shall be determined by the annual salary the covered employee would have received if he/she had continued in active City service at the same rank which he/she held at the time he/she left City employment. For covered employees retiring on or after January 1, 1995, the pension shall be at the rate of fifty and one-half (50-1/2%) percent of salary. (13311 §1 12/22/94)

C. If a member dies leaving no widow but leaving to survive him a dependent child or children or parent or parents, such relative shall be entitled to the same benefits as a "widow" as hereinafter set forth, provided, however, that the names of such dependent relatives shall have been first certified to the Pension Board at the member's death and provided further that:

1. All dependents certified to the Pension Board shall be of the same class (i.e., children or parents);
2. The dependents reside in the same household with the member at the time of his death or are supported him in any public or private hospital or nursing home. (12389 §1 11/7/79; 12389 §2 5/21/90)

145.16 DETERMINATION OF AMOUNT OF PENSION

Payments of pensions shall not be a charge on any fund in the Treasury of the City or under its control save the Firemen's Pension Fund herein provided for. The basis of the pension of a member shall be determined by the monthly salary of the member at the date of retirement, or the highest average annual salary which he received during any five (5) years or service preceding retirement, whichever is the higher, whether for disability or by reason of age or service, and except as to service increments provided for in Section 145.16, shall be one-half (1/2) the annual salary of such member at the time of retirement computed at such monthly or average annual rate, whichever is the higher. In the case of the payment of pensions to members for permanent injury incurred in service, and to families of members killed or who died in service, the amount and commencement of the payment of pensions shall be fixed regulations of the Board. Such regulations shall not take into consideration the amount and duration of workmen's compensation allowed by law. Payments to widows of members retired on pension or killed in the service on or after January 1, 1968, shall be the amount payable to the member or which would have been payable had he been retired at the time of his death. (12581 §1 12/7/83)

Effective January 1, 2005, the basis of the amount of pension shall be determined by the rate of monthly pay of the employee at the time of retirement, or the highest average annual salary which the employee received during any five (5) years of service preceding retirement, whichever is higher. When the covered employee submits his/her letter of retirement to the service, salary will include base pay, longevity, holiday pay, festive pay, shift differential and overtime. For the purpose of this Article, the method used to determine overtime shall be the total amount of premium pay in any consecutive twenty-six (26) pay periods in the preceding three (3) years of service. (14299 §1 7/21/05)

145.17 SURVIVOR'S PENSION BENEFITS

On or after January 1, 1984, all current active employees in the fund, all current retirees in the fund, and all surviving spouses of deceased retirees in the fund who have not remarried since their spouse's death, shall be covered by this amendment that permits the surviving spouse of fund retirees to remarry without the loss of his or her survivor's pension benefits. Upon the death of the surviving spouse the pension benefits shall be paid to the guardian of the deceased officer's dependent children, if any, without abatement until the youngest child reaches the age of eighteen (18) years or up to twenty-three (23) years if enrolled in and attending a post-secondary certified educational institution on a full-time basis. (12581 §1 12/7/83; 12902 4/5/89)

145.18 SERVICE INCREMENT COMPUTATION

In addition to the pension which is authorized to be paid from the Firemen's Pension Fund by this Article and notwithstanding the limitations therein placed upon such pension and upon contributions, every contributor who is entitled to the pension shall also be entitled to the payment of a service increment in accordance with and subject to the conditions hereinafter set forth:

A. Every covered employee with at least twenty-one (21) years of continuous active service shall receive service increments for each full year of service beginning with the twenty-first (21st) up to and including the twenty-fifth (25th) year of continuous service at the rate of an additional two and one-quarter (2-1/4%) (.02225) percent per year of the annual salary. The maximum number of service increments shall be five (5). However, every covered employee retiring with at least twenty-two and one-half (22-1/2) but fewer than twenty-three (23) years of continuous service shall receive credit for two and one-half (2-1/2) service increments. (12962 §3 5/21/90)

B. Every covered employee who retires on or after January 1, 1995, with at least twenty-one (21) years of continuous active service shall receive service increments for each full year of service beginning with the twenty-first (21st) up to and including the twenty-fifth (25th) year of continuous service at the rate of an additional three (3%) percent per year of the annual salary for the first service increment year and at the rate of three and one-half (3.5%) percent of annual salary for each of the

subsequent service increments. The maximum number of service increments shall be five (5). However, every covered employee retiring with at least twenty-two and one-half (22-1/2) but fewer than twenty-three (23) years of continuous service shall receive credit for two and one-half (2-1/2) service increments. (13311 §1 12/22/94)

C. Every covered employee who retires on or after January 1, 2005 shall receive a pension based on years of service and salary as follows:

20 years of service 50.5%
21 years of service 54%
22 years of service 58%
23 years of service 62%
24 years of service 66%
25 years of service 70%
(14299 §1 7/21/05)

D. Each contributor after December 31, 1968, shall pay into the pension fund a monthly sum in addition to his pension contribution, which shall not exceed the sum of One (\$1.00) Dollar per month. Such service increment contribution shall not be paid after a contributor has reached the age of sixty-five (65) years.

E. Any person who is a member of the department on the effective date of this amendment who has already reached the age of sixty-five (65) years shall have his service increment computed on the years of employment prior to the date of reaching his sixty-fifth (65th) birthday.

F. Service increment contributions shall be paid at the same time and in the same manner as pensions, and may be withdrawn in full, without interest, by persons who leave the employment of the City, subject to the same conditions by which retirement contributions may be withdrawn, or by persons who retire before becoming entitled to any service increment. (11576 §4.02 2/25/69)

145.18.3 COST OF LIVING ADJUSTMENT

Any covered employee, retiring after January 1, 2005 shall be eligible to receive an annual Cost of Living Adjustment. Such adjustments shall be in conformity with a uniform scale, which shall be based on the cost of living as described below, but the sum total of the employee's pension and any such allowances shall not at any time exceed one-half of the employee's pension and any such allowances shall not at any time exceed one-half of the current salary being paid to Fire Fighters of the same rank held by the Firefighter prior to retirement. The COLA shall conform to the United States Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI_W). The CPI_W factor shall be the annual number calculated by the Social Security Administration. This computation is prepared after the 3rd quarter of the calendar year. (14299 §1 7/21/05)

145.18.6 CREDIT FOR CETA SERVICE

Every current member of the Paid Firemen's Pension Fund who served as a City of Allentown CETA firefighter between 1976 and 1980 and who was not a member of the Firemen's Pension Fund during such service shall be entitled to have full credit for each year or fraction thereof of such Allentown CETA service upon payment to the Firemen's Pension Fund of an amount equal to that which they would have paid if they had been a member of the Paid Firemen's Pension Fund during the period of Allentown CETA service, plus the interest which would have accrued in the fund had the contributions been made at the time of the CETA employment. All purchased Allentown CETA service shall be credited as "active service" for pension purposes. (13268 §1 6/20/94)

145.18.7 EARLY RETIREMENT (14299 §1 7/21/05)

Effective January 1, 2005, every covered employee having contributed sixteen (16) years into the Allentown Fire Department Pension Fund shall have the option for early retirement as set forth as follows. The covered employee shall be entitled to have full credit for each year or fraction thereof, not to exceed four (4) years of service upon his/her payment into the Fire Pension Fund, an amount equal to that which he/she would have paid had he/she been a member during the period he/she desires credit. The amount paid into the Fire Pension Fund shall be set forth at Section 145.08C(4) above. (14299 §1 7/21/05)

145.18.9 EARLY RETIREMENT WINDOW

During the period from January 1, 2005 including and ending February 28, 2005, a covered employee who by applying the following will be eligible for retirement with both years of service and age, may retire and shall be eligible to retire under the following condition:

A. The employee will have the option of credit for up to five (5) years to be used as follows:

1. At his/her election, the employee in any whole year unit combination, may apply from zero to five (5) years of credit to be applied to age or time of service. That is to say, a firefighter, at his election, in whole year units, may apply from 0-5 years towards age, and 0-5 years toward years of service, provided that the combined total does not exceed five (5) years. (14299 §1 7/21/05)

2. The City's payment for age credit and/or service credit shall not exceed five (5) years. (14299 §1 7/21/05)

B. The covered employee's pension percentage for the period of time relating to this provision under this Section shall be as follows:

- 1) 20 years at 50.5%
- 2) 21 years at 62%
- 3) 22 years at 64%
- 4) 23 years at 66%
- 5) 24 years at 68%
- 6) 25 years at 70%

C. It is understood and agreed that all employees participating in the early retirement provision(s) will be required to sign a General Release which, in part, provides that the employee will not take action against the City or the Union for the City offering and the employee accepting and participating in any of the early retirement provisions. (14299 §1 7/21/05)

D. The City shall make payment into the Fire Pension Fund on behalf of a covered employee opting to exercise the provisions of this section, an amount equal to the provisions set forth in 145.08 above. (14299 §1 7/21/05)

145.19 CREDIT FOR MILITARY SERVICE

Every covered employee who served in the Armed Forces of the United States subsequent to September 1, 1940, and who was not a member of the covered Fire Department prior to such military service, shall be entitled to have full credit for each year or fraction thereof, not to exceed five (5) years of such service, upon his/her payment to the Fire Pension Fund of an amount equal to that which he/she would have paid had he/she been a member during the period for which he/she desires credit, and his/her payment to such fund of an additional amount as the equivalent of the contributions of the City of Allentown on account of such military service. All purchased military time shall be credited as "Active Service" for pension purposes. (12389 §2 11/7/79; 12962 §4 5/21/90)

145.20 RETIREMENT FOR DISABILITY

The Association shall have the right, on application received, to retire on pension any paid fireman or employee accepting the provisions of this Ordinance, if, in its opinion and in the opinion of two (2) reputable physicians who are selected by the Association, who shall make a physical examination and file their opinion in writing with the Association (whose fees shall be paid by the paid fireman or employee is physically or mentally incapacitated, through injury received or disease contracted in the actual performance of duty and by reason of the performance of such duty and without fault or misconduct on his part, from performing his duty in the Fire Bureau. However, the Association shall have the authority to order another examination at the expiration of six (6) months from the date of retirement, and if the disability of the pensioner is found to have been removed, the Association shall terminate the pension and the pensioner shall be reinstated as an active member of the Fire Bureau. (12390 §1 11/7/79)

145.21 REINSTATEMENT AFTER DISABILITY

Any paid fireman or employee who has been retired under the provisions of Section 145.17 on account of physical or mental incapacity may (upon his application) be reinstated by the Association as an active member of the Bureau of Fire with the same rank and rating which he had upon retirement, if upon satisfactory proof presented to the Association, it shall determine that such incapacity has been removed and the applicant is physically and mentally fit for duty in such position and rank, provided, however that the applicant shall, if reinstated, file with the Association a release, duly executed and acknowledged, of any right or claim to the pension during the period which he shall serve after such retirement. (11576 §5.01 2/25/69)

145.22 BENEFITS FOR DISABILITY

Every employee of the Bureau of Fire retired under the provisions of Section 145.18 and who shall have been in continuous service for a period of one (1) day or more, but less than two (2) years, shall receive a pension equal to ten (10%) percent of his salary at the time of his retirement; for continuous service from two (2) to five (5) years, he shall receive a pension equal to twenty (20%) percent of his salary at the time of his retirement; for continuous service from five (5) years to ten (10) years, he shall receive a pension equal to thirty (30%) percent of his salary at the time of his retirement; for continuous service from ten (10) to fifteen (15) years, he shall receive a pension equal to forty (40%) percent of his salary at the time of his retirement; and for continuous service from fifteen (15) years upwards, he shall receive a pension equal to fifty (50%) percent of his salary at the time of his retirement; and for continuous service from fifteen (15) years upwards, he shall receive a pension

equal to fifty (50%) percent of his salary plus any increments he may be entitled to under provisions of this Pension Ordinance at the time of his retirement. (11576 §5.02 2/25/69; 12977 §1 6/20/90)

145.23 MINIMUM PENSION; INCREASE

Effective August 1, 1975, every officer or employee of the Bureau of Fire receiving an annual pension of Three Thousand Three Hundred (\$3,300) Dollars shall receive an annual pension of Four Thousand (\$4,000) Dollars. Every officer or employee of the Bureau of Fire receiving an annual pension of more than Three Thousand Three Hundred (\$3,300) Dollars but less than Four Thousand (\$4,000) Dollars shall receive an annual pension of Four Thousand (\$4,000) Dollars.. (12139 §1 8/6/75)

Effective on and prospectively from January 1, 2000, every retired officer and employee, and surviving spouse of a deceased or retired officer and employee of the Department of Fire, currently receiving a pension inclusive of any Ad Hoc Adjustment payable pursuant to the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act (53 P.S. 896.101, *et seq.*) totaling less than \$10,400 shall receive a minimum pension, inclusive of such Ad Hoc Adjustment of \$10,400. (13785 §1 11/3/99)

145.24 ACCEPTANCE OF PROVISIONS OF ARTICLE

The provisions of this Article shall apply to all regular salaried paid firemen and employees of the Bureau of Fire, excepting the janitor or similar employee, who have accepted the provisions of this Article, but it shall be optional with each paid fireman and employee as to whether or not he or she accepts the provisions of this Article. Acceptance shall be signified by his or her signing the Paid Firemen's Pension Roll, which shall be kept by the Secretary of the Association, and which Roll is to show conclusively the date upon which such member accepted the provisions of this Article, as well as the date upon which he or she was appointed a regular salaried paid fireman or employee of the Bureau of Fire and that he or she has been in continuous service to the date of his or her acceptance. (11576 §6 2/25/69)

145.25 SIGNATURES REQUIRED

It shall be the duty of the Secretary to obtain the signature of those persons who may elect to accept the provisions of this Article. (11576 §6.01 2/25/69)

145.26 NOTICE OF ENACTMENT; ACCEPTANCE PERIOD

It shall be the duty of the Chief of Fire to give prompt notice of the passage of this Article to all new regular salaried paid firemen or employees, who shall be allowed sixty (60) days from the time of their appointment to accept the provisions of this Article or upon consent obtained from the Association within one (1) year from such appointment. (11576 §6.02 2/25/69)

145.27 TRANSFER OF FUNDS

All pension funds in any form and from wherever source received now in the custody of the Manager of Treasury and Accounting as Treasurer and Custodian of the Paid Firemen's Pension Fund by virtue of Ordinance No. 2377, as amended, shall on February 25, 1969 be transferred to the Fund herein created. (12836 §3 3/16/88)

145.28 RESPONSIBILITY; LIABILITY

All responsibilities and liabilities of the Paid Firemen's Pension Fund to members retired or on active duty, under laws pertaining thereto on February 25, 1969 are assumed and will be honored by the new Fund hereby established. (11576 §6.04 2/25/69)

145.29 ALL CHARGES BORNE BY THE FUND

All charges that may be assessed for all normal operations of this Pension Fund shall be borne by this Fund. (11933 §8 4/27/72; 12794 §1 9/2/87)

145.30 BENEFITS EXEMPT FROM GARNISHMENT; NONTRANSFERABLE

All pensions and service increments granted under the provisions of this Article and every portion thereof shall be exempt from attachment of garnishment processes and shall not be seized, taken or subject to detainer or levied upon by virtue of an execution of any processes or proceedings whatsoever, issued out of or by any Court in the Commonwealth for the payment and satisfaction in whole or in part of any claim, damage, demand or right to transfer or assign his or her pension or any part thereof, either by way of mortgage or otherwise. (11576 §9 2/25/69)

145.31 REPEALER

Ordinance No. 2377 passed December 18, 1928, as amended, and all other Ordinances or any parts thereof inconsistent herewith be and the same are hereby repealed, except that for foregoing repeal shall not affect any act done, any liability, duty or obligation incurred, or any right accrued or any tenure acquired by virtue of the provisions of Ordinance No. 2377, as amended, for which purpose the Ordinance shall remain in full force and effect. (11576 §10 2/25/69)

145.32 SERVICE INCREMENT EFFECTIVE DATE

The provisions of this Article pertaining to service increments, as provided for by Act No. 204 of the 1968 Pennsylvania legislature, shall become effective as of January 1, 1969. (11576 §10.01 2/25/69)

145.33 TERMINATION OF EMPLOYMENT; REINSTATEMENT

If, for any cause, any member of the Fire Bureau contributing to the pension fund ceases to be a member of the Bureau before he becomes entitled to a pension, the total amount of the contributions paid into the pension fund by such member shall be refunded to him the amount contributed, and subsequently becomes a member of the Bureau, he shall not be entitled to the pension designated until twenty (20) years after his re-employment, unless he returns to the pension fund the amount withdrawn, in which event the period of twenty (20) years shall be computed from the time the member has become a member of the Bureau excluding therefrom any period of time during which the member was not employed by the Bureau. (11576 §7 2/25/69)

145.34 PAYMENT OF CONTRIBUTION OF DECEASED MEMBER

In the event of the death of a member of the Bureau of Fire not in the line of service before the member becomes entitled to the pension aforesaid and such member is not survived by a widow or family entitled to payment as hereinbefore provided, the total amount of contributions paid into the pension fund by the member shall be paid over to his estate. (11576 §7.01 2/25/69)

145.35 INVESTMENT ACCOUNT; DEPOSIT WITH CORPORATE TRUSTEE

The Paid Firemen's Pension Fund Association is directed to create a Paid Firemen's Pension Investment Account. Such Account shall be deposited with a corporate trustee who shall be selected or changed by action of the Association with notice to its members and with the advice and consent of Council. (11933 §4 4/26/72)

145.36 AUTHORITY TO INVEST

The corporate trustee is hereby authorized to invest for the credit of the Investment Account the surplus money accumulated in the Pension Fund in excess of such sum as may be fixed by the Association together with such amounts as may be required for the payment of pensions and service increments as directed by the provisions of this Article during the year. (11933 §5 4/26/72)

145.37 INTEREST; SALE OF SECURITIES

The interest received from such investments shall be paid into the Pension Fund upon receipt of same, and if at any time sufficient funds are not available (inclusive of the monies appropriated by the City up to the amount it may be permitted to pay under the law), for the payment of all pensions and service increments in full, then the corporate trustee may dispose of and sell such securities as it may hold in its Investment Account and use the proceeds thereof to supply such deficiency. (11933 §6 4/26/72)

145.38 CONTROL LIMITS OF CORPORATE TRUSTEE

The corporate trustee shall be bound by this Article, the order of the Association and the trust agreement governing the management of the Fund. (11933 §7 4/26/72)

145.39 METHOD OF PAYMENT

The pensioners shall have the right to choose whether they want payment by check, mailed to them, or direct deposit. (13424 §1 10/16/96)

That in the event that an appellate court of competent jurisdiction in the Commonwealth of Pennsylvania of the Pennsylvania's Office of Auditor General determines that pension benefits granted under these amendments are illegal benefits, prospectively the subject benefits will be null and void unless said determination are overruled by an Act of the Legislature, a subsequent appellate court or a reversed ruling of the Auditor General's Office. The term "prospectively" for purposes of this section shall service to mean those employees hired after any determination of illegal benefits is made. (14299 §1 7/21/05)

CITY OF ALLENTOWN

ARTICLE 145

FIREFIGHTERS' PENSION FUND

Compiled to October 2009
City Clerk's Office
610-437-7539

EDITOR'S NOTE
RECENT LEGISLATION

13785 (11/3/99) Established a minimum pension of \$10,400.

14299 (7/21/05/3/99) Amending Article 145, Fire Pension Fund, by providing for the benefits contained in the Act 111 Interest Arbitration Award